

Memorandum



Date: February 6, 2007

Agenda Item No. 8(O)(1)(A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Award of Contract No. 1178-2/09-OTR: Uniforms and Accessories for Miami-Dade Transit

RECOMMENDATION

It is recommended that the Board of County Commissioners uphold the Manager's recommendation and authorize the award of Contract No. 1178-2/09-OTR to Superior Uniform Group, Inc. in the amount of \$827,000 for the purchase of uniforms and accessories for the Miami-Dade Transit (MDT) Department and other County departments. A bid protest was filed by Monica Manufacturing d/b/a All Uniform Wear on October 20, 2006 and was heard by a Hearing Examiner on November 14, 2006. The Hearing Examiner's findings upheld the County Manager's recommendation. This award will be funded in part by the Charter County Transit System Surtax (the Surtax) to the extent justified by the allocation model.

BACKGROUND

This solicitation was advertised on April 18, 2006. Three proposals were received:

- Monica Manufacturing d/b/a All Uniform Wear (certified SBE)
- Global Trading, Inc., (certified SBE)
- Superior Uniform Group, Inc., the incumbent firm

Proposals were opened on May 10, 2006. Subsequent to the bid opening, samples were requested by the evaluation committee which included transit union representatives and MDT procurement staff.

Global Trading, Inc., the apparent low bidder after the application of the Small Business Enterprise 10% bid preference, was deemed non-responsive because it offered prices for garment sizes which were outside of the terms and conditions of this solicitation. Monica Manufacturing d/b/a All Uniform Wear, the apparent second low bidder after the application of the Small Business Enterprise 10% bid preference was deemed non-responsive because several of the samples presented as "or equal" items were determined not to be equal, and the firm failed to submit all requested samples. On October 6, 2006 the County Manager's recommendation to award to Superior Uniform Group, Inc. (Superior) was posted with the Clerk of the Board.

On October 18, 2006, Department of Procurement Management (DPM) staff met with representatives of Monica Manufacturing d/b/a All Uniform Wear to review the procurement process. On October 20, 2006, a bid protest was filed by this firm (Attachment 1), and is based on five arguments:

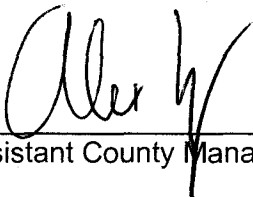
- Product samples could not be obtained for some of the items currently being provided by Superior under the current contract.
- Monica Manufacturing's bid price was \$20,000 below Superior's bid when bid was opened.
- Preference for SBE (Small Business Enterprises)
- When fabric from Mills was discounted, but not updated in several bid specifications, Monica Manufacturing should have been notified by Superior.
- Every other item from Monica Manufacturing was approved.

A pre-protest briefing was held with Monica Manufacturing d/b/a All Uniform Wear and DPM staff on November 2, 2006. A Hearing Examiner heard the protest on November 14, 2006 and findings were received on December 7, 2006 (Attachment 2). The Hearing Examiner's findings upheld the County Manager's recommendation to award to Superior Uniform Group, Inc., and included a recommendation that the bid protest filed by Monica Manufacturing d/b/a All Uniform Wear be denied.

The Hearing Examiner found that Monica Manufacturing d/b/a All Uniform Wear failed to submit the required samples pursuant to the specifications, and did not respond completely to the bid. The Examiner's findings include:

- Every bidder had the same opportunity to compete for the solicitation. In fact, County staff granted an extension to the protestor to allow for submission of the required samples.
- Miami-Dade County properly applied the SBE provision of the bid specifications and properly rejected Monica Manufacturing d/b/a All Uniform Wear's bid.
- The County complied with the terms and conditions noted in the solicitation document, acted consistent with existing case law, and well within its discretion to award this contract to Superior Uniform Group, Inc.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami Dade County may be used to fund a part of the costs of this contract for the Miami-Dade Transit Department. Consequently, Board of County Commissioners' and Citizens' Independent Transportation Trust approvals are required prior to contract execution. The Surtax will be charged for the cost of any additional services implemented as a result of the approval of the sales tax. As a result of the People's Transportation Plan (PTP), bus routes and the bus fleet have expanded significantly, resulting in more uniformed employees. This has resulted in the need for additional uniforms for the bus operators hired to accommodate the expansion.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(O)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)(A)

02-06-07

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. 1178-2/09-OTR TO SUPERIOR UNIFORM GROUP, INC. FOR THE PURCHASE OF UNIFORMS AND ACCESSORIES FOR THE MIAMI-DADE TRANSIT DEPARTMENT, AND AUTHORIZING THAT A PORTION OF CONTRACT USE PROCEEDS FROM THE CHARTER COUNTY TRANSIT SYSTEM SALES SURTAX FUNDS IN SUPPORT OF THE IMPLEMENTATION OF THE PEOPLE'S TRANSPORTATION PLAN (PTP)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the award of Contract No. 1178-2/09-OTR to Superior Uniform Group, Inc. for the purchase of uniforms and accessories for the Miami-Dade Transit Department, and authorizing that a portion of the contract use proceeds from the Charter County Transit System Sales Surtax funds.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of February, 2007. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Bruce Libhaber





Attachment 1

MEMORANDUM

TO: LISTED DISTRIBUTION

DATE: October 25, 2006

FROM: Kay Sullivan, Director
Clerk of the Board Division

SUBJECT: Bid Protest 1178-2/09-OTR
Uniforms and Accessories for
Miami-Dade Transit

Kay Sullivan

Pursuant to Section 2-8.4 of the Code and Administrative Order 3-21, Bid Protest Procedures, a bid protest was filed in the Clerk of the Board's Office on Friday, October 20, 2006, in connection with the foregoing Contract. The protest was filed by Elizabeth Baltodano, Vice President, representing Monica Manufacturing d/b/a All Uniform Wear.

A filing fee in the amount of \$3,000 was submitted with the bid protest.

If you have any questions pertaining to this protest, please do not hesitate to contact Fara c. Diaz, at Ext. 1293, in charge of bid protest procedures.

KD/fcd
Attachments

DISTRIBUTION:

Board of County Commissioners
George Burgess, County Manager
Hugo Benitez, Assistant County Attorney
Bruce Libhaber, Assistant County Attorney
Charles Anderson, Commission Auditor
Miriam Singer, Director, Department of Procurement Management
Drakus Wiggins, Senior Procurement Contracting Agent, DPM
Walter Fogarty, DPM
Roosevelt Bradley, Director, Miami-Dade Transit Agency

FLORIDA
MIAMI-DADE COUNTY

OCT 25 AM 8:53

RECEIVED
OCT 25 2006
CLERK OF THE BOARD

10/20/2006

CLERK OF THE BOARD

2006 OCT 20 AM 10:22

From: Elizabeth Baltodano
Monica Manufacturing d/b/a All Uniform Wear
2605 West 8th Avenue
Miami, FL 33130
PH:305-887-9552

CLERK, CHIEF CLERK, CLERK OF THE BOARD
DADE COUNTY, FLA.
#1

To: Dade County Clerk of the Board
111 NW 1st Street, Suite 17202
Miami, FL 33128
Ph: 305-375-5126

RE: BID PROTEST REGARDING BID # 1178-2/09-OTR

Bid Item # 25-Sweater, Bristol Products (Unisex)

This item does not specify any specs on sweater. Fabric and buttons were the only specs mentioned. For example, does not state if item was supposed to be v-neck or crew neck, collar or non collared. Does not specify if item has pockets or no pockets. We advise procurement agent, Mr. Drakus Wiggins that a sample was needed to match requested item because of the description not being sufficient. Otherwise an exact sample would have been submitted. He said that an exact sample will be provided if contract was awarded.

Bid Item # 28-Baseball Style Caps or Approved Equal (Martin Style # 27633, 27638 & 27631)

Does not specify the height of front panel of cap. Does not specify if low profile or regular crown cap. Does not specify the weight or type of Dacron Gabardine. MDT logo was not provided to us to embroider on cap which was stated once again that will be provided once bid was awarded. Does not allow you to search for a similar product by style number because item is a Martin-Superior style numbers.

BID ITEM # 29-ADJUST-O-CAP (MARTIN STYLE #27021, 27033, 27038)

No specs were provided just mesh back. Item was turned in and procurement agent states it was not turned in.

ARGUMENTS

- 1) Martin & Superior the same company that manufacture and distribute their own products. Therefore products numbers or samples can not be obtained.
- 2) \$20,000 below awarded bid when bid was opened.
- 3) Preference for SBE (Small Business Enterprises)
- 4) Fabric from Mills was discounted and was not updated in several bid specs. Should have been notified by Martins-Superior.
- 5) Every other item was approved.

Thank you,

Elizabeth Baltodano

Elizabeth Baltodano
Vice President



ADA Coordination

Agenda Coordination

Animal Services

Art in Public Places

Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements

City of Miami's Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Assessment Center

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraisal

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer

CLERK OF THE BOARD

2006 OCT -6 AM 10:47

CLERK, MIAMI-DADE COUNTY COURTS
MIAMI-DADE COUNTY, FLA.
#1

Procurement Management

Purchasing Division

111 NW 1st Street • Suite 1300

Miami, Florida 33128-1974

T 305-375-5289 F 305-375-4407 305-372-6128

miamidade.gov

October 6, 2006

All Responding Vendors (See Distribution List)

SUBJECT: BID NO. 1178-2/09
Uniforms and Accessories for Miami-Dade Transit

Dear Vendors:

In accordance with Section 1.12 of the above referenced solicitation, and Section 2-8.4 of the Code of Miami-Dade County, you are hereby notified that the County Manager or designee, recommends award of this contract to:

Superior Uniform Group, Inc., Items 1 thru 82.

Note 1: Above vendor has been recommended for award based on price.

Note 2: Offers not considered for award for reasons other than price are:

Global Trading Inc., non-responsive due to exceptions made to bid pricing.

Monica MFG d/b/a All Uniform Wear, not eligible for the aggregate award due to the evaluation determination of samples presented as "or equal" items deemed "not equal" and failure to submit all samples.

This contract shall commence on **December 1, 2006**, unless otherwise stipulated and contingent upon the completion and submittal of all required bid documents.

If you have questions, please contact me at 305-375-4435, or email: dwiggin@miamidade.gov.

Sincerely,

MIAMI-DADE COUNTY, FLORIDA

Drakus Wiggins

Drakus Wiggins, Senior Procurement Contracting Agent
Department of Procurement Management

Distribution: **Superior Uniform Group, Inc.; Global Trading Inc.; and Monica MFG d/b/a/ All Uniform Wear.**

cc: Clerk of the Board
Bid File

Delivering Envelopes Every Day

8

Memorandum



Date: September 28, 2006

To: George M. Burgess
County Manager

From: Miriam Singer *Miriam Singer*
Director
Department of Procurement Management

Subject: Award of Contract No. 1178-2/09: Uniforms and Accessories

RECOMMENDATION

It is recommended that the County Manager award this contract to Superior Uniform Group Inc. to supply uniforms and accessories to Miami-Dade Transit Agency (MDTA) and various other County departments. Departments will use the contract to purchase shoes, shirts, slacks, socks, leather gear, jackets and career apparel.

CONTRACT NO: 1178-2/09

TITLE: Uniforms and Accessories

DESCRIPTION: To establish a replacement contract to supply uniforms and accessories for County departments.

APPROVAL TO ADVERTISE: April 4, 2006

TERM: One year with two (2) one-year option-to-renew

CONTRACT AMOUNT: \$827,000

USING/MANAGING AGENCIES AND FUNDING SOURCES:

Department	Allocation	Funding Source
Aviation	\$20,000	Operating Revenue
Building	\$20,000	Operating Revenue
Corrections	\$37,000	General Fund
Miami-Dade Transit	\$700,000	Operating and PTP Funds
Parks	\$25,000	General Fund
Solid Waste	\$25,000	Operating Revenue
Total	\$827,000	

PREVIOUS CONTRACT ALLOCATION: \$617,775 for a one-year term

METHOD OF AWARD: To the single responsive, responsible bidder who offers the lowest aggregate price.

**VENDOR RECOMMENDED
FOR AWARD:**

Superior Uniform Group Inc. (Local Vendor)

**VENDOR(S) NOT
RECOMMENDED FOR
AWARD:**

Global Trading Inc. This vendor was not responsive as the firm took exceptions to the bid.

Monica MFG d/b/a All Uniform Wear. This vendor was not responsive because several items proposed were not deemed to be acceptable equals. Additionally, the firm failed to submit samples for several items.

CONTRACT MEASURES:

A 10% Small Business Enterprise Bid Preference was applied in accordance with the Ordinance but did not affect the award.

LIVING WAGE:

Not applicable

USER ACCESS PROGRAM:

The User Access Program provision is included and the program discount will be collected.

LOCAL PREFERENCE:

Applied in accordance with the Ordinance but did not affect the award.

PROJECT MANAGER(S):

Drakus Wiggins, Department of Procurement Management

This contract includes allocations for six departments. Each department will designate a project manager.

**ESTIMATED CONTRACT
COMMENCEMENT DATE:**

Upon approval to award the contract and expiration of the protest period for all allocations except the allocation for the Miami-Dade Transit Agency.

Miami-Dade Transit Agency's allocation will become effective only after approval by the Board of County Commissioners, expiration of the Mayoral veto period and approval by the Citizens' Independent Transportation Trust. Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to fund a part of the costs of this contract for Miami-Dade Transit. The Board of County Commissioners and Citizens' Independent Transportation Trust approvals are required prior to contract execution.

George M. Burgess

Award of Contract No.1178-2/09: Uniforms and Accessories for Miami-Dade Transit

Page 3

BACKGROUND

Miami-Dade Transit Agency will utilize this contract to supply uniforms to designated staff in multiple divisions. As a direct result of the continued implementation of the People's Transportation Plan (PTP), an increased number of operators, supervisors, and revenue collectors that require uniforms will be hired to meet the demand that the additional service miles and hours of operation require. In order to meet the increased needs, the allocation is being increased to \$700,000.

The bid was advertised on the County's website and in four local newspapers: Dario Las Americas, Miami Times, Daily Business Review, Haiti En Marche. Two hundred sixty-five announcement were issued, including electronic announcements. Fifty-Five packages were downloaded and three bids were received.

Approved



George M. Burgess
County Manager

AT 9/29/09

10/5/09
Date

Not Approved

George M. Burgess
County Manager

Date

Attachment 2

CLERK OF THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

2006 DEC -7 PM 3:39

IN RE: BID PROTEST – INVITATION TO BID NO. 1178-2/09
OTR UNIFORMS AND ACCESSORIES FOR MIAMI-DADE TRANSIT

PROTEST OF AWARD RECOMMENDATION TO
SUPERIOR UNIFORM GROUP, INC. BY MONICA MFG
d/b/a ALL UNIFORM WEAR

FINDINGS AND RECOMMENDATIONS OF HEARING EXAMINER

Pursuant to notice, the above protest of award recommendation was heard before the undersigned Hearing Examiner on Tuesday, November 14, 2006 at the Stephen P. Clark Center, 111 N.W. First Street, Miami, Florida, 27th Floor, Conference Room C.

Appearing on behalf of the protestor, Monica Mfg. d/b/a All Uniform Wear, was Miguel De Grandy, Esq.; appearing on behalf of Miami-Dade County was Bruce Libhaber, Assistant County Attorney.

At the hearing, the testimony of witnesses was taken, arguments were made, and exhibits were marked and admitted into evidence.

BACKGROUND

The Miami-Dade Department of Procurement Management ("DPM") published Invitation to Bid No. 1178-2/09-OTR Uniforms and Accessories for Miami-Dade Transit. ("ITB"). This invitation was "to establish a contract for the purchase of uniforms and accessories in conjunction with the needs of Miami-Dade Transit and other departments on an as needed when needed basis." (ITB Section 2.1). Four addenda to the ITB were issued on April 18, 2006, April 19, 2006, May 1, 2006 and May 3, 2006. All four addenda were received and acknowledged by all of the bidders, including Monica Mfg. d/b/a All Uniform Wear ("AUW"). In response to the ITB, Superior Uniform Group, Inc. ("Superior"), AUW and Global Trading, Inc. each submitted bids on May 10, 2006. On

October 5, 2006, the County Manager recommended that the Board of County Commissioners award the contract to Superior. AUW was deemed not responsive because several items proposed were not acceptable equals and because AUW failed to submit samples for several items.

On October 20, 2006, AUW filed a written bid protest arguing that Miami-Dade County's specifications were ambiguous or vague. They further argued that Miami-Dade County's refusal to provide samples to AUW and the short time period that AUW was allowed to provide its samples were arbitrary and capricious. In its protest letter, AUW makes five specific arguments:

1. Because Martin and Superior manufactures and distributes their own products, product numbers or samples could not be obtained.
2. AUW's bid price was \$20,000 below Superior's bid when bid opened.
3. Preference for SBE (Small Business Enterprise).
4. When fabric from Mills was discounted, but not updated in several bid specs, AUW should have been notified by Martins-Superior.
5. Most of the items in AUW's bid were approved.

FINDINGS AND CONCLUSIONS OF LAW

In Florida, a public body such as Miami-Dade County has wide discretion in soliciting and accepting bids for public improvements or for services. The public body's decision to award a bid, when based on an honest exercise of this discretion will not be overturned, even if that decision is erroneous and even if reasonable persons may disagree. *Liberty County v. Baxter's Asphalt & Concrete, Inc.*, 421 So.2d 505 (Fla. 1982). Indeed, absent a showing of arbitrary or capricious conduct, of fraud, illegality, misconduct, or oppression, the County's exercise of its broad discretion should not be disturbed. *DOT v. Grove-Watkins Constructors*, 530 So.2d 912 (Fla. 1988); *Central Florida Equipment Rentals of Dade County, Inc. v. Lowell Dunn Co.*, 586 So.2d 1171

(Fla. 3d DCA 1991). Additionally, in determining whether a bid is "responsive," Florida law provides that a public body may waive minor irregularities in a bid. *Liberty County*, 421 So.2d at 507.

AUW's first specific argument, that because Superior is the distributor of Martin's products, the products currently in use, AUW could not obtain product numbers or samples. Counsel for AUW argued during the hearing that being the incumbent supplier gave Superior an unfair advantage. However, the ITB specifically allowed products other than Martin's if the product was "equal in quality and standards of performance to the item specified in the solicitation." (ITB Section 2.9). In other words, anyone could bid if the products requested were of equal quality and in compliance with the bid specifications. Elizabeth Baltonado, the AUW representative, that testified during the Bid Protest hearing stated that she understood that "the County shall be sole judge of quality, based on the best interests of the County, and its decision in this regard shall be final." (ITB Section 2.9). Additionally, when a bidder proposes an "or equal item," the offer must be submitted with two complete sets of product information sheets. AUW failed to provide any product information sheets for its "or equal items."

During the hearing, AUW also argued that the County should have provided them with samples to assist them in reproducing the uniforms and accessories described in the ITB. The ITB clearly states that if samples are requested, they are to be provided at no cost to the County. Testimony taken during the hearing indicated that the County had no such samples available. All the uniforms in use were in the possession of the various Transit Department employees. AUW was not prevented from acquiring samples themselves Martin via their physical or online stores. Ms. Baltonado acknowledged that the ITB indicated that "if the bidder fails to submit the samples, properly labeled, within the specified date stipulated in the notice, the County shall not consider the bidder's proposal." (ITB Section 2.30). AUW failed to submit the samples pursuant to the specifications. The sample provided by AUW for bid item No. 28 did not

include the required Velcro strap on the baseball style hat and the sample provided by AUW for bid item No. 25 included a zipper instead of the required buttons on the Shaker fabric sweater. Samples for bid item 27, a supervisor hat, and for wave styled hats were not provided. Ms. Baltodano testified that she was aware of the button and Velcro requirements. She was aware that samples could be requested. She was aware that her failure to provide acceptable samples would result in her bid being rejected. She also testified that she understood that her bid would be considered in the aggregate, that if one small part was noncompliant, the entire bid would be rejected. AUW failed to provide a few samples and the County properly rejected their bid.

AUW's second and third arguments are somewhat interrelated. AUW argued that their bid price was \$20,000 lower than Superior's. The County argued that UAW's bid price was actually \$20,000 more than Superior's. This Hearing Examiner finds that UAW's base bid price was \$20,000 higher than Superior's bid price, however, if the Small Business Enterprise (SBE) deduction is included, the adjusted bid price is \$20,000 lower than Superior. The ITB states that if an SBE's price is within 10% of a non SBE company, the SBE company should be given preference. The County representative testified that had AUW completely and timely provided the requested samples, AUW would have received an award recommendation for the contract. Unfortunately for AUW, the failure to respond to the sample request caused their bid to be rejected before the bid price was considered, with or without the SBE advantage. This Hearing Examiner finds that Miami-Dade County properly applied the SBE provisions of the bid specifications. As an aside, this examiner notes that AUW had more than one week to provide the eighty (80) requested samples. Ms. Baltonado testified regarding at least several weeks that she was ordering or gathering samples.

AUW's fourth specific argument is denied. No evidence was presented to this Hearing Examiner regarding the discounted pricing of Mills' fabric and whether or not

any bid specifications were updated. Neither was there any argument that Martins or Superior had an obligation to notify AUW of the discounted pricing, if any.

AUW's fifth specific argument states that the vast majority of the items in their bid were approved by Miami-Dade County. Again, Elizabeth Baltonado testified that she was aware that the ITB clearly states that the bid would be considered in the aggregate. (ITB Section 2.6). Ms. Baltonado also testified that she was aware that failure to comply or nonresponsiveness to any one item would cause the rejection of the entire bid. The many responsive items provided by AUW does not save the entire bid from rejection because of the few nonresponsive items.

This examiner finds that Miami-Dade County complied with its bid terms and the existing caselaw. Every bidder had the same opportunity to compete for the Uniforms and Accessories for Miami-Dade Transit contract. Based on the evidence presented during the hearing of November 14, 2006, and the proposed orders and memoranda provided by Monica Mfg. d/b/a All Uniform Wear and the Miami-Dade County Attorney's Office, this examiner finds that Miami-Dade County was acting well within its discretion to award the uniforms and accessories for the Miami-Dade Transit Department contract to Superior Uniform Group, Inc. AUW did not respond completely to the ITB. AUW has failed to show any arbitrary or capricious conduct, fraud, illegality, misconduct, or oppression in the awarding of this contract. AUW has failed to show that Superior's bid was in any way deficient.

RECOMMENDATIONS

Based on the foregoing, the Hearing Examiner recommends that the County Manager's recommendation to award the Uniforms and Accessories for Miami-Dade Transit contract to Superior Uniform Group, Inc. be approved, and the bid protest by Monica MFG d/b/a All Uniform Wear be denied.

This report of Findings and Recommendations of Hearing Examiner is being filed with the Clerk of the Board this 7th day of December, 2006, with directions to mail a copy to all participants in the competitive process and to Bruce Libhaber, Esquire, Assistant County Attorney.



ROBERT H. NEWMAN
Hearing Examiner